

REMARKS

An Office Action was mailed on March 14, 2005 and declared final.

Claims 11-21 are pending, of which claims 11 and 21 are independent claims. All claims stand rejected.

By the foregoing, claim 11 is amended to provide greater specificity of the claimed subject matter, claim 20 is amended to correct a typographical error, and new claims 22-27 are presented claiming subject matter similar in scope to other dependent claims.

All amendments are fully supported by the specification and at least by the claims as originally presented. No new matter has been added. Entry of the amendment in its entirety and early allowance of all claims is earnestly solicited.

Claims 11-21 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite as to what the Applicant is claiming. Furthermore, claims 11-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by the current inventive entity, namely European Patent Application EP 1,057,508 to Dolci et al. (the '508 application).

To clarify the claimed subject matter, applicant encloses properly marked models and includes a petition to accept same. All fees thereto may be charged on Deposit Account 50-1290, as well as fees for returning the models. Specifically enclosed are:

Model A – a book entitled "*Giaconda con la Scienza*" and configured in accordance with the presently claimed invention;

Model B – a book entitled *Mojo Mata Biblia*" and configured in accordance with the presently claimed invention;

Model C – a book entitled "*Portable Dinos: Stegasaurus*" and configured in accordance with the reference cited;

Model D – a book entitled "*Bob the Builder: Playtime with Bob*" and configured in accordance with the reference cited; and

Model E – a book entitled "*Our Planet Earth*" and configured in accordance with the presently claimed invention;

Model F – an incomplete mock-up of the book "*Alla scoperta delle Stagioni*" and configured at least partially in accordance with the presently claimed invention.

With reference to Models A and B and independent claims 11 and 21, a book of the present invention comprises a plurality of book sections that are bound together that are adjacent to another of the plurality of book sections. Each book section has a shape that is unique to that book section and so that the plurality of book sections form a subject in relief.

Model A and B each include four (4) book sections bound together to a cardboard rear cover, which is not claimed. Each section begins with a cardboard page and includes three (3) or four (4) pages of paper in these specific examples. Model A is a children's book about science and, thus, the subject that book shows is a light bulb. Each of the book sections has a unique shape that contributes to the overall relief of the subject. Model B is a children's book about the Bible. The overall relief is Noah's Ark and each section has a unique shape associated with a deck of the Ark.

As described above, the book further includes a first plurality of pages having a first page type comprising a first thickness of page, in the specific examples of Model A and B cardboard is the first page type, and being disposed in each of the plurality of book sections and having the shape unique to that book section. The Examiner is respectfully requested to note that each of the book sections includes a cardboard page that has the shape unique to that book section.

The book further includes a second plurality of pages having a second page type comprising a second thickness of page, in the specific examples of Model A and B paper is the second page type, and being disposed in each of the plurality of book sections and having the shape unique to that book section. The Examiner is respectfully requested to note that each of the book sections includes at least one paper page that has the shape unique to that book section.

It should of course be appreciated that the combination of cardboard and paper, as specifically claimed in claim 14, is not the only means of practicing claims 11 and 21. For example, one may be made of a different type of material, for example, plastic and paper, etc. as specifically claimed in claim 12.

Turning now to the reference cited, in the '508 application the present inventive entity disclosed a book having a single page as demonstrated by Models C and D. The '508 application teaches a

book 1 which is divided into a number of book sections 15, which when seen in relief appear to form a subject, as for example a dinosaur, as Model C closely matching Fig. 3 of the '508 application. Each of the plural book sections 15 is a single page 2 of a substantial thickness. The same thickness prevails throughout the book. The Examiner is respectfully requested to note that the present claims do not read on the Models nor the teaching of the '508 application.

The '508 reference clearly teaches a book having one type of page that is best characterized by its thickness. Specifically, the '508 application does not teach, disclose, or suggest

a first plurality of pages having a first page type comprising a first thickness of page, at least one page of the first plurality of pages being disposed in each of the plurality of book sections and having the shape unique to that book section; and

a second plurality of pages having a second page type comprising a second thickness of page, at least one page of the second plurality of pages being disposed in each of the plurality of book sections and having the shape unique to that book section

as required by independent claim 11 nor

a first plurality of pages having a first page type, at least one page of the first plurality of pages being disposed in each of the plurality of book sections and having the shape unique to that book section; and

a second plurality of pages having a second page type, at least one page of the second plurality of pages being disposed in each of the plurality of book sections and having the shape unique to that book section

as required by independent claim 21.

As explained by Models C and D and clearly seen in the '508 reference, the reference cited teaches a book where each book section consists of only one page. The Examiner is respectfully requested to note that all pages in Models C and D are made of foamboard. No page of another type, i.e. a second type, is present in each of the book section as required by independent claims 11 and 21. In fact, the Examiner has noted the feature of the same page thickness of the cited art at page 3 lines 11-12 of the present Office Action.

In contrast, the presently claimed invention has page types that differ. As now even more clearly differentiated from the cited art in at least claim 11, the first page type has greater page thickness

than the second page type. Accordingly, the Examiner is respectfully requested to withdraw the rejections.

Advantageously, the book of the present invention represents a significant advantage over the prior art in the field in having a book suitable for children of pre-school age and school age children. Therein, the pre-school age children may have their attention directed to the pages of the first type, e.g. cardboard pages, that may bear images suitable for children who cannot read but understand images. At the same time, school-age children may have their attention directed to the pages of the second type, e.g. paper pages, that typically would include written information suitable for their school age. Thus, none of the prior art teaches a book that can be at the same time useful for readers of different ages. In fact, the prior art requires that different books be used.

With regard to claim 13, the present invention may be practiced in a number of ways. Models A and B are arranged so that the pages of first page type, cardboard, of each book section is more proximal to the front cover than the pages of the second page type, paper. Therein, the rear cardboard cover does not represent a book section since it is only one page type. Thus, the cardboard pages are always more to the front than the paper pages.

Model E is constructed differently. A central cardboard page is larger than the other cardboard pages. This page does not include any corresponding paper pages. Thus, the book begins with three book sections at the front having both types of pages. Therein, the rear cover and the paper pages that are of the same size comprise a further book section. The Examiner is respectfully requested to carefully note that this book section, i.e. the book section including the rear cover, has the paper pages closer to the front cover than the cardboard page, i.e. the pages of the second type are more proximal to the front cover than the page of the first type. This particular means of practicing the present invention is claimed in claim 15.

Claim 20 may be explained by Model F. Model F is a proposed book and its production has not been completed. Thus, *the pages of the second type are missing* and the book is not bound. Model F proposes a children's book to explain the seasons. As can be seen each book section will consist of a first page type showing each individual season starting at with the blossoming

tree at Spring and ending with the snow covered branches in Winter. The accompanying teachings for that season will be on a second page type, which are not included in this mock-up. The Examiner is respectfully requested to note that when the book is considered as a whole, it offers four (4) book sections – one for each season, in essence forming an index of the book. Should the reader wish to read about Autumn, the reader need only consult the book sections themselves and open the book to the third section which is clearly visible as tree with the colored leaves. The claimed features are not taught by the references cited.

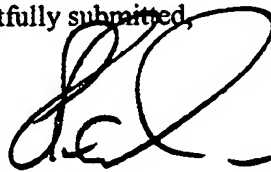
For the foregoing reasons, the claims as now pending overcome 35 U.S.C. §112, second paragraph. Accordingly, the Examiner is respectfully requested to withdraw the rejection.

All rejected dependent claims are allowable for at least substantially the same reasons as the independent claim from which they depend. Thus, applicant believes that the application is now in condition for allowance of all claims and earnestly solicits the same.

However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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CUSTOMER NUMBER 026304
Docket No.: SAIC 20.557 (100788-00064)
HAS:fd



05-17-05

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On: May 16, 2005

By:

Ruby Martinez

Ruby Martinez

Any fee due as a result of this paper, not covered by an enclosed check, may be charged on Deposit Acct. No. 50-1290.

Attorney Docket No.: SAIC 20.557 (100788-00064)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: OLIVIERO DOLCI

Confirmation No.: 2966

Serial No.: 10/642,999

Filed: August 14, 2003

Title: BOOK

Examiner: Monica Smith Carter

Group Art Unit: 3722

May 16, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCEPT MODEL

SIR:

Accompanying the Amendment after Final to the Office Action mailed on March 14, 2005, applicant submits models of the inventive book and/or mock-ups and models in accordance with the cited reference. Both the present application and the cited reference are from the same inventive entity.

The models comprise books that clarify the claimed subject matter. All fees thereto may be charged on Deposit Account 50-1290, as well as fees for returning the models.

Specifically enclosed are:

Model A – a book entitled "*Giaconda con la Scienza*" and configured in accordance with the presently claimed invention;

Model B – a book entitled "*Mojo Mata Biblia*" and configured in accordance with the presently claimed invention;

Model C – a book entitled "*Portable Dinos: Stegasaurus*" and configured in accordance with the reference cited;

Model D – a book entitled "*Bob the Builder: Playtime with Bob*" and configured in accordance with the reference cited; and

Model E – a book entitled "*Our Planet Earth*" and configured in accordance with the presently claimed invention;

Model F – an incomplete mock-up of the book "*Alla scoperta delle Stagioni*" and configured at least partially in accordance with the presently claimed invention.

Applicants respectfully request return of the sample to the undersigned Attorney. Any fees associated thereto and any fee associated with this paper may be charged to Deposit Account 50-1290.

Respectfully submitted,



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CUSTOMER NUMBER 026304
Attorney Docket No.: SAIC 20.557 (100788-00064)